

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ANDERSON/GREENWOOD DIVISION

| | | |
|----------------------------------|---|--------------------------------|
| William T. Watts, II, #90124, |) | |
| |) | |
| Plaintiff, |) | Civil Action No. 8:14-3223-TMC |
| |) | |
| vs. |) | ORDER |
| |) | |
| Unknown Officer of Lexington |) | |
| County Sheriff's Department; |) | |
| Unknown SLED Officers; |) | |
| Unknown U.S. Military; FBI; |) | |
| John Etters; Craig Hall; Officer |) | |
| Shumpert; Officer Singleton; |) | |
| James Metts; Lewis McCarty; |) | |
| Commissioner of SLED (Sheriff, |) | |
| Head, Leader); Governor Nikki |) | |
| Haley; and the United States, |) | |
| |) | |
| Defendants. |) | |
| |) | |

Plaintiff William T. Watts, II, proceeding pro se, filed this action pursuant to *Bivens v. Six Unknown Fed. Narcotics Agents*, 403 U.S. 388, 397 (1971), and 42 U.S.C. § 1983, alleging violations of his constitutional rights. (ECF No. 1). In accordance with 28 U.S.C. § 636(b)(1) and Local Civil Rule 73.02, D.S.C., this matter was referred to a magistrate judge for pretrial handling. Before the court is the magistrate judge's Report and Recommendation ("Report"), recommending that the action be dismissed as frivolous and without issuance and service of process. (ECF No. 13). The magistrate also recommended that the dismissal be deemed a strike pursuant to 28 U.S.C. § 1915(g). *Id.* Plaintiff timely filed objections to the Report. (ECF No. 15).

The Report has no presumptive weight and the responsibility to make a final determination in this matter remains with this court. *See Mathews v. Weber*, 423 U.S. 261, 270-

71 (1976). The court need not conduct a de novo review when a party makes only “general and conclusory objections that do not direct the court to a specific error in the magistrate’s proposed findings and recommendations.” *Orpiano v. Johnson*, 687 F.2d 44, 47 (4th Cir. 1982). In that case, the court reviews the Report only for clear error. *See Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005).

As set forth above, Plaintiff filed timely objections to the Report. (ECF No. 15). Plaintiff first objects to all of the recommendations and then he list three grounds for objections. *Id.* However, his objections are non-specific, unrelated to the dispositive portions of the Report, or merely restate Plaintiff’s claims. The court has thoroughly reviewed the Report and Plaintiff’s objections and finds no reason to deviate from the Report’s recommended disposition.

Accordingly, the court adopts the Magistrate Judge's Report (ECF No. 13) and incorporates it herein. It is therefore **ORDERED** that this action is **DISMISSED** for frivolousness and without issuance and service of process, and this dismissal is deemed a strike under 28 U.S.C. § 1915(g). *See also McLean v. United States*, 566 F.3d. 391, 399-400 (4th Cir. 2009) (noting that a dismissal for frivolousness or maliciousness, with no designation regarding prejudice, may be designated a strike).

IT IS SO ORDERED.

s/Timothy M. Cain
United States District Judge

October 8, 2014
Anderson, South Carolina

NOTICE OF RIGHT TO APPEAL

The parties are hereby notified of the right to appeal this order pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.